

REMARKS

Claims 2-18 remain in this application. Claims 1 and 19 have been canceled. Claims 2, 4, 5, 8, 13, and 17 have been amended.

Claim 2 has been amended to become independent overcoming the anticipation rejection and allowing a traversal on the obvious rejection.

Claim 4 has been amended to depend upon claim 2.

Claim 5 has been amended to become independent and include the limitations of claim 1 which has been allowed by the examiner.

Claim 8 has been amended to overcome the 112 rejection.

Claims 13 and 17 have been amended to depend upon the allowable claim 5.

Drawings

The drawings were objected to under 37 CFR 1.83(a) as they must show every feature of the invention described in the specification and specified in the claims. The examiner indicated that the hook and loop fastener attached by overlapping the fasteners from adjacent panels around the frame must be shown or the feature canceled from the claims. Applicant is furnishing a replacement sheet illustrating the overlapping hook and loop fastener over the frame in the cross section of the added FIGURE 3a. Since the hook and loop fastener known by its trade name VELCRO is well known in the art and the fact that which side of the hook or loop is physically located is irrelevant as they are completely interchangeable. No new matter has been added as the drawings illustrated their presence as element 64 and the specification clearly disclosed their location on each side of the frame.

Information Disclosure Statement

The listing of the references in the specification was objected to as it is not a proper information disclosure as 37 CFR 1.98(b) requires all patents, publications or other information to be submitted on a separate paper, therefore applicant acknowledges that the references have not been considered.

Reconsideration of this application is requested.

Claim rejections U.S.C. 112

Claims 8-10 were rejected under 35 U.S.C.112 first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the invention(s), at the time the application was filed. The examiner indicated correctly that it was unclear as to the structure of the fabric bag covering the panel forms a pad. Applicant has amended claim 8 to correct that erroneous description by replacing the word "pad" with shielded panel which now clearly describes fabric bag's function since the panel is formed of a type of foam material, or the like, which is subject to abuse by handling which the fabric bag precludes. The specification has been amended on page 7 starting with line 12 in the same manner noting that no new matter has been added as only a correction of the word "pad" has been made.

Claim rejections U.S.C. 102

Claim 1 was rejected under 35 U.S.C.102(b) as being anticipated by Brown Jr. in U.S. Patent No. 6,098,335. Claim 1 has been canceled no longer claiming matter which formed the basis for the examiners rejection.

Claims 1 and 13-16 were rejected under 35 U.S.C.102(b) as being anticipated by Gavin in U.S. Patent No. 4,843,788. Claim 1 has been canceled no longer claiming matter which formed the basis for the examiners rejection. As amended claims 13-16 now depend upon allowable claim 5.

Claim 19 was rejected under 35 U.S.C.102(b) as being anticipated by Rozenberg in U.S. Patent Publication No. 2004/0111983. Claim 19 has been canceled no longer claiming matter which formed the basis for the examiners rejection.

Claim rejections U.S.C. 103

Claims 2 and 3 were rejected under 35 U.S.C.103(a) as being unpatentable over Brown Jr. Jr. in U.S. Patent No. 6,983,335 in view of Lashinger in U.S. Patent No. 5,660,002. This rejection is respectfully traversed. Claim 2 has been amended to become independent and include all of the limitations of claim 1. The examiner acknowledged that Brown Jr. did not teach the material of the frame and Lashinger did making it obvious for Brown Jr. to modify his invention to use PVC as taught by Lashinger. In the first place there can be no prima facie obviousness merely because the prior art can be modified to the claimed form without a suggestion of its desirability. Brown Jr. taught C-shaped side and back rails (22) and (24) with arched roof members (50) with rail clamps (52) consisting of two portions secured by a nut (54) and bolt (56). Brown Jr. is completely silent regarding the material but specific about the clamps which indicate a metallic construction. For Brown Jr. to change to PVC an entire different approach would be necessary including bending the material of the members and using an entirely different clamping arrangement, therefore no suggestion was made to make such a major change to be obvious to Brown Jr..

Further applicant in claim 2 claims; “--*f) a top releasably affixed to the top of the structural frame, thus completely enclosing the structural frame so that sound produced*

within the enclosure is attenuated to sufficient degree to be acceptable by others nearby--. Brown Jr. has no such ability as his structure is covered with a polyethylene material which must be translucent or transparent to function as a greenhouse. Brown Jr.'s material would not have sound attenuation to the extent it would be acceptable to others nearby, as is the instant invention. Applicant's entire invention is for the purpose of eliminating loud sound levels produced by practicing musical groups particularly in residential locations. Brown Jr.'s greenhouse just wouldn't work and would not be an obvious expedient.

Applicant in amended claim 2 claims *--a) a structural frame having a right side, a left side, a rear side, a front side and a top section, wherein said structural frame further comprises a detachable structure formed of thermoplastic pipe having a plurality of slip-in fittings, thus providing removable interfacing joints that permit disassembly of the frame for transportation and storage--*. Brown Jr. teaches a portable structure which in his specification describes the portable feature as follows: *--The present invention relates to a portable greenhouse, and, more particularly to a portable greenhouse capable of being packaged in a compact, standard corrugated paper container for storage and display in a retail store.--* (col. 1 lines 3-7). Nowhere in Brown Jr.'s specification or claims does he provide *removable interfacing joints that permit disassembly*. Instead he is concerned with storage and display in stores and historically greenhouses are not dissembled frequently after they are erected since they normally have temperature and humidity control in order to maintain the internal environment which require permanent interface with utilities. Lashinger is no help in the matter as he, like Brown Jr., is concerned with only the assembly of his greenhouse.

Applicant claims a detachable structure formed of thermoplastic pipe having a plurality of **slip-in fittings**, thus providing removable interfacing joints that permit disassembly of the frame for transportation and storage. Brown Jr.'s rail clamps consisting of two separate portions secured by a nut and bolt are not slip-in fittings and require tools to disassemble. Further Brown Jr.'s rails have *"reduced diameter ends that snugly or press fit within the inner diameter of the distal ends of the respective--side rails"* (col. 2 lines 49-50). Applicant's slip-in fittings are removable where Brown Jr.'s

are snug or pressed into in a press fit making them not easy to disassemble. Accordingly, the rejection under 35 U.S.C. 103 is deemed overcome by applicant's amendment and remarks.

Relative to claim 3, this claim is dependent upon the now independent claim 2 therefore for the same reasons discussed previously claim 3 is no longer obvious over Brown Jr. in U.S. Patent No. 6,983,335 in view of Lashinger in U.S. Patent No. 5,660,002.

Claim 4 was rejected under 35 U.S.C.103(a) as being unpatentable over Brown Jr. in U.S. Patent No. 6,983,335. This rejection is respectfully traversed. As amended claim 4 now depends upon the independent claim 2. For the same reasons discussed previously claim 4 is therefore no longer obvious over Brown Jr. in U.S. Patent No. 6,983,335.

Claim 17 was rejected under 35 U.S.C.103(a) as being unpatentable over Brown Jr. in U.S. Patent No. 6,983,335 in view of Robinson in U.S. Patent Application No. 2002/006994. As amended claim 17 now depends upon the independent claim 5 which has been allowed by the examiner therefore the rejection should be withdrawn.

Allowable Subject Matter

Claims 5-7, 11, 12 and 18 were allowed by the examiner.

Claim 5 was dependent upon a rejected base claim, but would be allowed if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As amended claim 5 is now independent having all of the limitations of its base claim 1. Claims 13 and 17 have been amended to depend upon claim 5 therefore claims 13 and 17 are also in condition of allowance. Claims 6-12 originally

depend upon claim 5 and claims 14-16 depended upon claim 13 which has been amended to depend upon claim 5 therefore claims 5-18 are all now in condition of allowance.

Withdrawal of the rejection is respectfully requested and allowance of the instant application is solicited.

A request for extension of time under 37 CFR 1.136(a) form PTO/SB/22 is enclose herewith along with a check in the amount of \$60.00 to cover the fee required for this extension for response within the first month.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "A. O. Cota", with a stylized flourish at the end.

Albert O. Cota

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CHANGES
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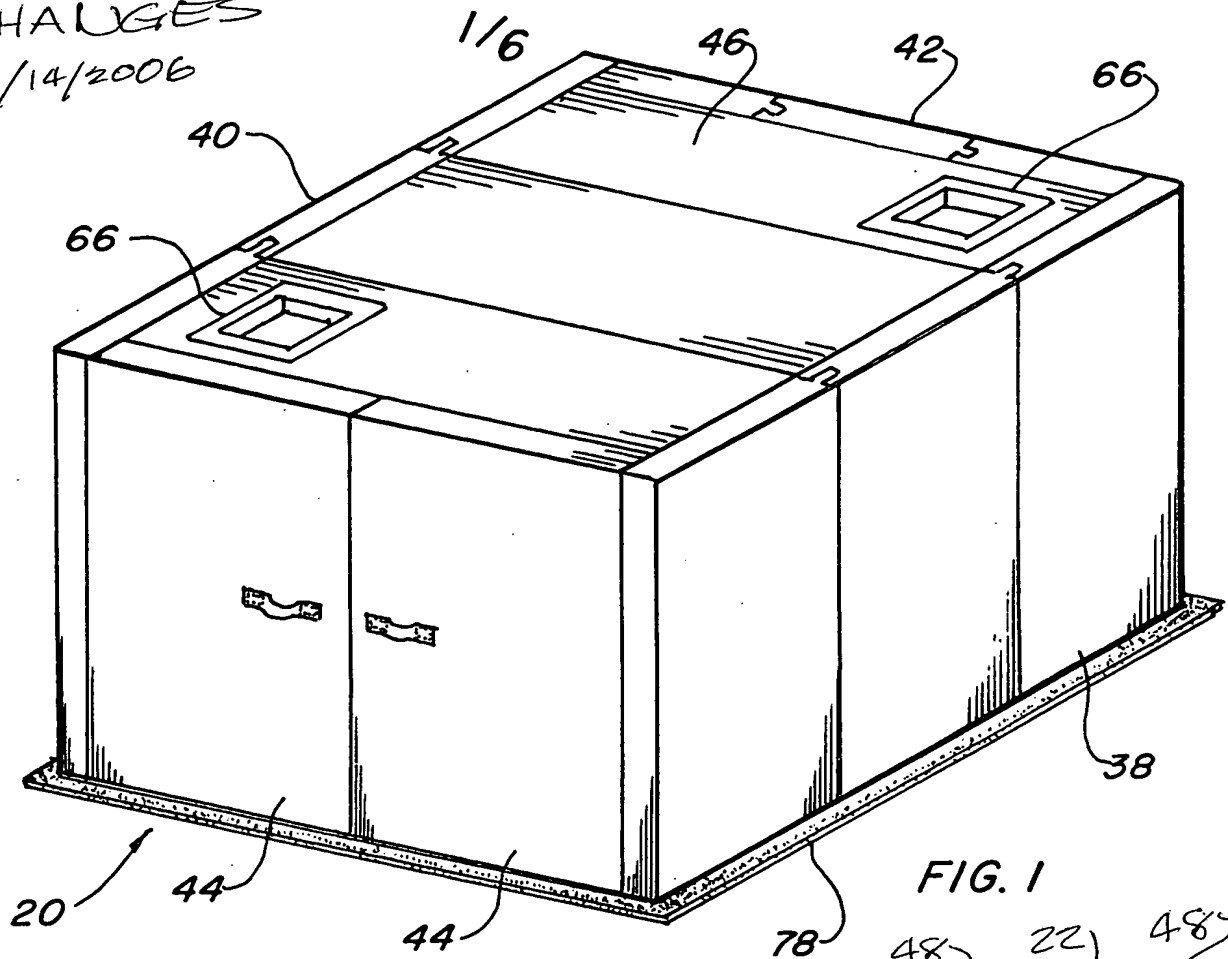


FIG. 1

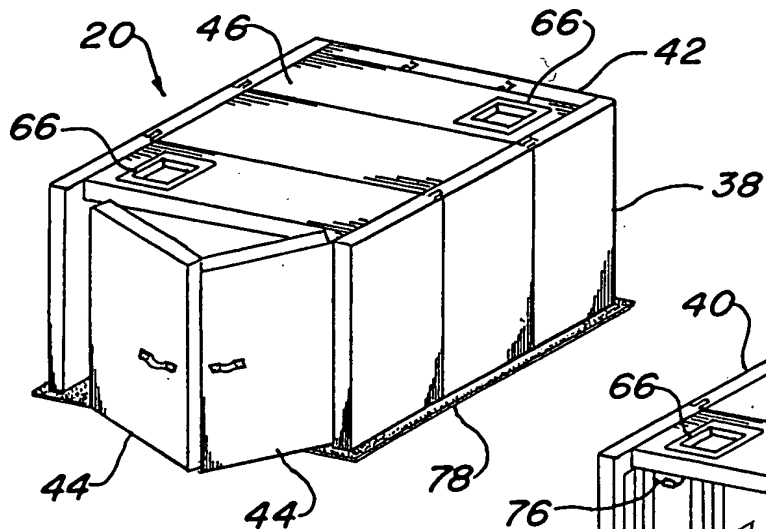


FIG. 2

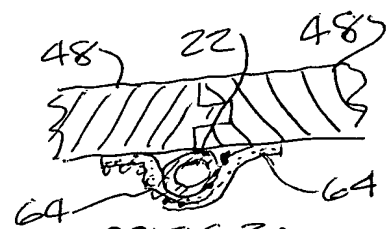


FIG. 3a

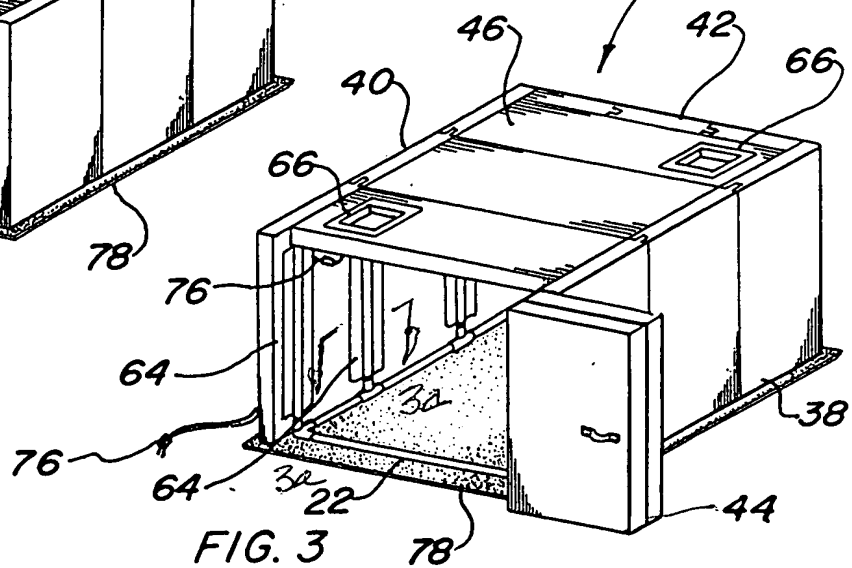


FIG. 3